

under 37 C.F.R. §1.131 and now seek entry of this Affidavit and allowance of the above-referenced patent application pursuant to the provisions of 37 C.F.R. §1.116.

Contemporaneously submitted with this Response is a Request for a One Month Extension of Time and the appropriate fee. Such Extension extends the response period to the outstanding Office action of August 20, 1998 from Friday, November 20, 1998 to Sunday, December 20, 1998. The effective response date is, thus, Monday, December 21, 1998. Hence, this Response is timely filed.

REMARKS

In the Office action mailed August 20, 1998, the Examiner maintained his rejection of Claims 1 through 21 under 35 U.S.C. 103(a) as unpatentable over Chilton, et al. in view of Stoyell, et al. He further indicated that this rejection could not be overcome by a terminal disclaimer and made the action final.

In view of the Examiner's position, applicants' attorney has undertaken the preparation of an Affidavit under 37 C.F.R. §1.131, swearing back of the effective filing date of October

25, 1996 of United States Patent No. 5,716,522 to Chilton, et al. It is believed that the Affidavit is self-explanatory and, with the attached documents, clearly proves that the invention was conceived and reduced to practice prior to October 26, 1996 or reduced to practice with due diligence from prior to this date to a subsequent reduction to practice or the filing of the above-referenced application on May 13, 1997. Consideration and acceptance of this Affidavit is requested.

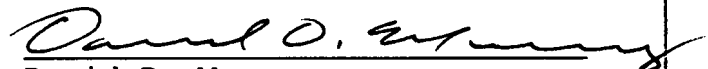
Accordingly, the Chilton patent is removed as a reference against the Claims of this patent application. The remaining reference, Stoyell, et al., clearly does not render applicants' invention obvious under a proper interpretation of 35 U.S.C. 103(a). Stoyell, et al. discloses a relatively rigid body having a cylindrical filter element with a pleated outer element and contacting pleated surfaces. An impervious cap closes off one end of the filter element. Beyond disclosing multiple filtration layers, the similarities between the Stoyell, et al. disclosure and applicants' invention are not apparent. The independent claims require a filter body having first and second panels of filtration media

which provide an interior space. Moreover, the claims require that the panels include an outer layer of an extruded mesh and layers of spun bonded and melt blown filtration media. These features are neither disclosed nor suggested in Stoyell, et al. Accordingly, it is apparent that Stoyell, et al. does not and cannot support a proper obviousness rejection under 35 U.S.C. §103(a) and that pending Claims 1 through 21 should be allowed.

Applicants' attorney notes the Examiner's statements with regard to the terminal disclaimer. The refusal to enter same is hereby acknowledged and, with the entry of the accompanying Affidavit under 37 C.F.R. §1.131 is considered moot.

Entry of this Amendment under the provisions of 37 C.F.R. §1.116 in order to place this patent application in condition for allowance is earnestly solicited.

Respectfully submitted,


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